

Message Text

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FM AMEMBASSY BONN
TO SECSTATE WASHDC IMMEDIATE 4618
USMISSION USBERLIN IMMEDIATE
INFO AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 03 BONN 00569

E.O. 11652: GDS
TAGS: PFOR PGOV WB GE UR FR US UK GW
SUBJECT: ALLIED RESPONSE TO GDR MEASURES

REFS: (A) USBER 103; (B) USBER 102; (C) USBER 65;
(D) STATE 2497; (E) STATE 2229; (F) BONN 243;
(G) BONN 149; (H) 76 STATE 309490;
(I) 76 USBER 2364

BEGIN SUMMARY. PRELIMINARY DISCUSSION WITH OTHER BONN
GROUP MEMBERS INDICATES THAT IT IS NOT REALISTIC TO
EXPECT AGREEMENT ON ACTION ALONG LINES SUGGESTED IN
REFTELS (A) AND (B) DURING THE WEEK OF JANUARY 10. OF
THE SEVERAL MEASURES WHICH MISSIONS HAVE PROPOSED AS
A FOLLOW-UP TO THE ALLIED PROTEST TO THE SOVIETS OVER
RECENT GDR MEASURES, EMBASSIES SUGGEST THAT EFFORT IN
BERLIN BE CONCENTRATED ON DEVELOPING A PROMPT REPLY
TO THE SOVIET DEMARCHE OF NOVEMBER 2 CONCERNING VISA
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REQUIREMENTS FOR POLISH AND HUNGARIAN COMMERCIAL
VISITORS. UK AND FRENCH EMBASSIES BELIEVE THAT NO
ACTION SHOULD BE TAKEN AT THE PRESENT TIME TO AMEND
ALLIED LEGISLATION GOVERNING THE STAY OF NON-OFFICIAL
SOVIET AND EAST EUROPEAN VISITORS IN WEST BERLIN.
IN ADDITION, THE FRG HAS ASKED THAT DISCUSSION OF THIS
MATTER BE DELAYED UNTIL IT HAS OBTAINED FULLER

INFORMATION FROM THE SENAT ON THE FUNCTIONING OF
THE PRESENT LEGISLATION. END SUMMARY.

1. ALLIED BONN GROUP REPS DISCUSSED MISSION PROPOSALS
AS CONTAINED IN ADVANCE COPY OF REF (A) AT JANUARY 10
TRIPARTITE MEETING. AS ANALYZED BY REPS, MISSIONS ARE
SUGGESTING THE FOLLOWING MEASURES AS A FOLLOW-UP TO
THE ALLIED PRESS STATEMENT AND PROTEST TO THE SOVIETS
CONCERNING THE RECENT GDR ACTIONS AND STATEMENTS:

A. PROMPT AMENDMENT OF BK/O(67)7 TO CLOSE THE
LOOPHOLE WHICH SOVIET TRADE FAIR PERSONNEL UTILIZED IN
DECEMBER BY BEGINNING A NEW STAY IN WEST BERLIN AFTER
ONLY A TWO DAY'S ABSENCE IN EAST BERLIN, THUS CIRCUM-
VENTING THE 31-DAY LIMIT ON SUCH STAYS IN WEST BERLIN
WITHOUT VISAS.

B. RECONFIRMING TO THE SOVIETS, IN RESPONSE
TO THEIR DEMARCHE OF NOVEMBER 2 CONCERNING POLISH
WORKERS AND EMPLOYEES OF THE HUNGARIAN AIRLINES OFFICE
(REF I), THAT SOVIETS AND EAST EUROPEANS MUST CONTINUE
TO ADHERE TO THE LAWS IN FORCE IN THE WESTERN SECTORS,
INCLUDING THE REQUIREMENT FOR OBTAINING AN FRG VISA.

C. INFORMING THE SOVIETS THAT WE ARE AMENDING
BK/O(67)7 TO CLOSE THE LOOPHOLE RECENTLY UTILIZED BY
THE SOVIETS.

D. INFORMING THE SOVIETS THAT WE ARE
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REVIEWING THE BK/L(67)15 PROCEDURES WHICH PERMIT
CERTAIN SOVIETS TO OBTAIN PERMISSION TO REMAIN THREE
MONTHS WITHOUT A VISA.

E. INFORMING KHOTULEV OF THE ALLIED PROTEST IN
MOSCOW AND ELABORATING ON THE RECENT GDR CLAIMS AND
MEASURES TO WHICH THAT PROTEST WAS DIRECTED ALONG
LINES SET OUT IN PARA 1(B) OF REF (A).

2. FRENCH REP (BOISSIEU) OPENED THE DISCUSSION BY
REFERRING TO THE FINAL RECOMMENDATION LISTED ABOVE --
AN ELABORATION TO KHOTULEV OF THE ALLIED PROTEST --
AND EXPRESSED STRONG OBJECTION TO THE PROPOSAL.
WHILE RECOGNIZING THAT IT WAS DRAFTED BY THE MISSIONS
BEFORE IT WAS KNOWN WHETHER THE ALLIED PROTEST WOULD BE
DELIVERED IN MOSCOW OR IN BERLIN, BOISSIEU THOUGHT THAT
THE PRESS STATEMENT AND PROTEST SPOKE FOR THEMSELVES
AND THAT THERE WAS NO NECESSITY TO
EMBELLISH ON THEM IN A CONVERSATION WITH

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KHOTULEV. MOREOVER, THE PROPOSED LISTING OF GDR MEASURES WOULD MAKE IT APPEAR THAT WE HAD FORGOTTEN TO MAKE CERTAIN PROTESTS IN MOSCOW. BOISSIEU ALSO FOUND IT DIFFICULT TO ACCEPT INCLUSION OF ALL OF THE GDR ACTIONS SUGGESTED IN THE MISSION DRAFT. SUCH THINGS AS THE SPANDAU LOCK AGREEMENT AND THE VIOLATIONS OF THE DEMILITARIZED STATUS OF BERLIN WERE IN A TOTALLY DIFFERENT CATEGORY FROM THE STATUS-RELATED DEVELOPMENTS TO WHICH THE RECENT PROTEST WAS DIRECTED.

3. HITCH EXPRESSED FULL AGREEMENT WITH BOISSIEU. HE THOUGHT THAT THE FULL LIST OF EXAMPLES, ENCOMPASSING BOTH PAST AND PRESENT SINS, WOULD GIVE THE IMPRESSION TO THE SOVIETS THAT WE WERE READY TO RENEGOTIATE THE WHOLE QUADRIpartite AGREEMENT. HE COULD NOT AGREE THAT THIS WAS EITHER THE RIGHT MOMENT OR THE RIGHT
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PLACE FOR OPENING SUCH A DIALOGUE WITH THE SOVIETS. HITCH SAID HE WOULD LIKE TO RECOMMEND TO LONDON THAT NO ACTION BE TAKEN IN BERLIN AT THE MOMENT, BUT THAT IF THE MISSIONS BELIEVED THAT SOME KIND OF FOLLOW-UP TO THE PROTEST WAS NEEDED IT WOULD SUFFICE TO GIVE KHOTULEV A COPY OF THE PROTEST WHICH WAS BEING DELIVERED IN MOSCOW.

4. TURNING TO THE QUESTION OF AMENDING THE BK/O, BOISSIEU REITERATED THE PRELIMINARY VIEWS HE HAD EXPRESSED IN THE BONN GROUP ON JANUARY 5 (REF F). THE ONLY DIFFICULTY WITH THE WORKING OF THE BK/O AT PRESENT WAS THE POSSIBILITY FOR CIRCUMVENTION WHICH THE SOVIETS UTILIZED IN DECEMBER. THE PROBLEM DID NOT ARISE OFTEN, AND THERE WAS NO URGENCY IN CLOSING THE LOOPHOLE. SUCH ACTION WOULD CLEARLY BE UNDERSTOOD BY THE SOVIETS AS A COUNTERMEASURE. THIS WAS NOT AN AREA IN WHICH WE SHOULD ENGAGE THE SOVIETS IN A ROUND OF MEASURES AND COUNTERMEASURES, AND NOW WAS NOT THE RIGHT TIME TO RAISE VISA PROBLEMS WITH THE SOVIETS. IN ADDITION, HE WOULD WISH TO KNOW THE POSITION OF THE GERMANS ON THE NEED FOR AMENDMENTS TO THE 1967 BK/O AND BK/L.

5. HITCH SAID HE "ABSOLUTELY AGREED" WITH BOISSIEU. HE OBSERVED THAT WE HAD BIGGER FISH TO FRY WITH THE SOVIETS AT THE MOMENT -- RESPONDING TO THE EC PROTEST, PROTESTING RECENT PROBLEMS ON THE TRANSIT ROUTES, AND THE CURRENT PROTEST IN MOSCOW ON RECENT GDR MEASURES. HE SAW NO POINT IN SEEKING TROUBLE BY GIVING ADVANCE NOTICE THAT WE INTEND TO AMEND LEGISLATION ON VISA MATTERS. BOTH HITCH AND BOISSIEU THOUGHT IT WOULD BE PARTICULARLY UNWISE TO HINT AT A POSSIBLE REVISION OF BK/L(67)15 UNLESS WE HAD STUDIED THE MATTER CAREFULLY AND WERE DETERMINED TO MAKE SUCH AN AMENDMENT.

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6. BOISSIEU RETURNED TO THE IDEA OF COUNTERMEASURES BY NOTING THAT THE FRENCH DID HAVE SUCH MEASURES UNDER CONSIDERATION -- E.G., A POSSIBLE POSTPONEMENT BY THE FOREIGN MINISTER OF HIS VISIT TO EAST BERLIN -- BUT THAT THEY WERE ABSOLUTELY OPPOSED TO COUNTERMEASURES IN THE FIELD OF TRAVEL.

7. US REP RECALLED THAT THE DEPARTMENT HAD ALREADY AGREED, BEFORE PRESENT DIFFICULTIES BEGAN, WITH THE

DESIRABILITY OF CLOSING THE LOOPHOLE IN BK/O(67)7
(REF H) AND HAD ALSO SAID LINKAGE OF SUCH AN AMENDMENT
TO THE ALLIED PROTEST WOULD BE A DESIRABLE STEP
PROVIDED CONSIDERATION OF IT WOULD NOT DELAY AGREEMENT
ON THE PROTEST (REF D). US REP ALSO EXPLAINED THAT,
AS POINTED OUT BY USBER (REF C), US PROPOSALS WERE
NOT A "COUNTERMEASURE" BUT "LINKAGE." HE ADDED,
HOWEVER, THAT DESPITE THE GENERAL DESIRABILITY OF
SEEKING OPPORTUNITIES FOR RETALIATION IN KIND
FOR UNACCEPTABLE SOVIET MEASURES,
EMBASSY TENDED TO SHARE BRITISH AND FRENCH
MISGIVINGS ABOUT MOVING AHEAD IMMEDIATELY IN AN AREA
WHERE WE STOOD TO LOSE MORE THAN WE COULD GAIN.

8. US REP ADDED THAT THE NOVEMBER 2 KHOTULEV DEMARCHE
(REF I) HAD NEVER BEEN ANSWERED. HE SUGGESTED THAT,
EVEN IF PROMPT AGREEMENT ON OTHER MEASURES COULD NOT BE
REACHED, IT WOULD BE DESIRABLE TO MOVE AHEAD WITH AN
ANSWER TO THAT PARTICULAR DEMARCHE (POINT B IN THE
LISTING OF POSSIBLE MEASURES IN PARA ONE ABOVE).

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BOISSIEU AND HITCH ACCEPTED THAT SUGGESTION, AND IT WAS AGREED THAT EMBASSIES WOULD RECOMMEND THAT MISSIONS CONCENTRATE THEIR EFFORTS ON DEVELOPING A PROMPT REPLY TO THE NOVEMBER 2 DEMARCHE. IT WAS FURTHER AGREED THAT EMBASSIES WOULD SUGGEST TO CAPITALS THAT, IF MISSIONS CONSIDERED A FOLLOW-UP DEMARCHE IN BERLIN TO THE ALLIED PROTEST IN MOSCOW DESIRABLE, THIS DEMARCHE SHOULD BE LIMITED ESSENTIALLY TO HANDING KHOTULEV A COPY OF THE PROTEST. ANY EXAMPLES CITED SHOULD BE LIMITED TO THOSE WHICH EMBASSIES HAD ALSO MENTIONED IN MOSCOW.

9. IN THE LIGHT OF THE TRIPARTITE DISCUSSION, ALLIED REPS LIMITED THEMSELVES IN THE JANUARY 11 FULL BONN GROUP MEETING TO REOPENING THE QUESTION OF AMENDING BK/O(67)7. US REP AS CHAIRMAN RECALLED THE JANUARY 5 CONFIDENTIAL

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DISCUSSION (REF F) AND ASKED FOR FRG VIEWS. FRG REP (HENZE) RESPONDED THAT THE GERMANS WERE SEEKING INFORMATION FROM THE BERLIN SENAT ON THE PRESENT REGIME AND PREFERRED THAT DISCUSSION OF THE MATTER BE DEFERRED UNTIL THAT INFORMATION WAS AT HAND.

10. COMMENT: FROM A PRELIMINARY REVIEW OF THE FILES CONCERNING THE 1966-67 DISCUSSION OF ADOPTION OF BK/O(67)7 AND BK/L(67)15, IT IS CLEAR THAT THE LEGISLATION WHICH THE ALLIES ADOPTED AT THAT TIME WAS PREPARED TO MEET GERMAN WISHES FOR FACILITATING VISITS TO WEST BERLIN BY SOVIETS AND EAST EUROPEANS. THIS WOULD NOT OF COURSE PRECLUDE ACTION AT ALLIED INITIATIVE TO AMEND THE LEGISLATION, BUT WE BELIEVE SUCH ACTION WOULD BE UNWISE WITHOUT THE FULL CONCURRENCE OF THE SENAT AND THE FRG. BECAUSE THE NEED FOR AMENDING THE LEGISLATION DOES NOT APPEAR TO BE URGENT THE ONLY JUSTIFICATION FOR TAKING THE ACTION AT THIS PARTICULAR TIME WOULD BE TO RETALIATE FOR THE RECENT GDR MEASURES. OF THOSE MEASURES, THE NEW VISA LAW APPEARS TO BE ONLY THE TIP OF THE ICEBERG, AND IT IS DIFFICULT TO ARGUE THAT THIS PRESENTS A CLEAR OPPORTUNITY FOR RETALIATION IN KIND. THE FRENCH FEARS THAT WE WOULD BE STARTING ACTIONS IN AN AREA WHERE THE RISKS TO ALLIED INTERESTS ARE GREAT CANNOT BE DISMISSED OUT OF HAND.

11. THERE IS ALSO A DANGER THAT LINKAGE OF THE SORT PROPOSED BY THE MISSIONS WOULD NOT CONVEY THE MESSAGE WE HAVE IN MIND. WHILE EMBASSY AGREES THAT OUR PROTEST MAY SEEM RATHER STERILE WITHOUT ACCOMPANYING

ACTION ON PART OF ALLIES, OUR EARLIER
SOUNDINGS ON POSSIBLE COUNTERMEASURES MET WITH LITTLE
RESPONSE FROM THE ALLIES OR THE FRG. A CHANGE IN VISA
PROCEDURES, STANDING ALONE, IS IN FACT A RATHER LIMITED
STEP. FROM INFORMATION AVAILABLE TO DATE THE PROPOSED
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AMENDMENT TO THE BK/O WOULD ONLY RARELY INCONVENIENCE
THE SOVIETS, AND ESTABLISHING THE SORT OF LINKAGE
PROPOSED BY THE MISSIONS COULD MISTAKENLY LEAD THE
SOVIETS TO BELIEVE WE CONSIDER IT AN ADEQUATE RESPONSE
TO SEEMING ATTEMPTS TO CHANGE THE STATUS OF EAST BERLIN.

12. THE EMBASSY ALSO AGREES, PARTICULARLY IN THE LIGHT
OF THE DIFFICULTIES INVOLVED IN OBTAINING QUADRIPARTITE
AGREEMENT TO THE TEXT OF THE PROTEST JUST DELIVERED IN
MOSCOW, THAT IT WOULD BE BOTH UNDESIRABLE AND TO SOME
EXTENT SUPERFLUOUS TO ATTEMPT TO REACH AGREEMENT ON WHAT
WOULD AMOUNT TO A SECOND PROTEST BY WORKING OUT
TALKING POINTS ALONG LINES PROPOSED IN REF (A). THE
CHAIRMAN POLAD WILL PRESUMABLY BE SEEING KHUTOLEV
IN THE NEAR FUTURE TO DELIVER THE PROTEST ON TRANSIT
PROBLEMS (SEPTTEL). IT SHOULD BE SUFFICIENT AT THAT TIME
TO GIVE KHOTULEV A COPY OF THE MOSCOW PROTEST WITHOUT
EXTENSIVE ELABORATION.

13. ACTION REQUESTED:

A. THAT USBER JOIN WITH BRITISH AND FRENCH
COLLEAGUES IN PREPARING A REPLY TO THE NOVEMBER 2
DEMARCHÉ.

B. THAT DEPARTMENT CONCUR IN A LIMITED
FOLLOW-UP IN BERLIN, ALONG LINES INDICATED IN PARA 12,
ABOVE, TO THE PROTEST DELIVERED ON JANUARY 11 IN
MOSCOW.
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Message Attributes

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